

## **MINUTES**

### **INDIANA STATE BOARD OF DENTAL EXAMINERS**

**FEBRUARY 5, 2010**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Miller called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Matthew Miller, D.D.S., President  
Jill Burns, D.D.S., Vice President  
Steven Hollar, D.D.S., Secretary  
Charles Heape, D.D.S.  
Theodore Rokita, D.D.S.  
Laverne Robison Whitmore, L.D.H., B.S.  
Clance LaTurner, Consumer Member

##### **Board Members Absent:**

Gary Haller, D.D.S.  
Philip Catey, D.D.S.  
Richard T. Newton, D.D.S.

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
Leslie Bridgforth, Case Manager, Professional Licensing Agency  
Jim Schmidt, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda, as amended.

BURNS/La TURNER

Motion carried 6-0-0

\*Dr. Heape was not present for the vote

#### **III. ADOPTION OF MINUTES FROM THE DECEMBER 4, 2009 MEETING**

A motion was made and seconded to adopt the minutes, as corrected, from the December 4, 2009 meeting.

BURNS/HOLLAR

Motion carried 7-0-0

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

- 1. Tammy M. Bacon, L.D.H., License No. 13005564A**  
Administrative Cause No. 2008 ISDB 0005

Ms. Bacon appeared before the Board, as requested, regarding her ongoing probationary status. She stated that things are going well. The Board is in receipt of her report. There have been no changes; she is still attending meetings as required and stated she is still learning from the meetings. Ms. Bacon stated she is not currently working full time. The Board is pleased with Ms. Bacon's progress.

- 2. Michael Edward Bajza, D.D.S., License No. 12009652A**  
Administrative Cause No. 2005 DB 0011

Dr. Bajza appeared before the Board, as requested, regarding his suspended license. He stated things are going well. His license will be reinstated to probation from suspension on February 7, 2010. There have been no changes in his information and he has completed sixteen (16) hours of community service. Dr. Bajza explained he volunteered at a Knights of Columbus breakfast held in his area but he has not completed any dental related community service. Ms. LaTurner pointed out that he had previously said he would be working with a dental hygiene school as part of his community service. He indicated that would be something in the future and he unable to schedule that at this time. A copy of the agreement was submitted to the Board. He has no other community service planned at this time, nor is he seeking employment in the immediate future. Dr. Bajza has entered into a Services Agreement with Limoli & Associates, Atlanta Dental Consultants, Inc. Dr. Bajza stated he had a meeting with his ethics monitor but that has been cancelled but will be meeting with him in the future.

- 3. Christopher Leonard, D.D.S., License No. 12009363A**  
Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Leonard stated to the Board that things are going well. He is currently working for Aspen Dental and has been permanently placed in Anderson, Indiana two (2) days per week and in Castleton, Indiana three (3) days per week. Dr. Leonard asked the Board if someone from Aspen Dental can review his charts as they do not allow patient charts to leave the facility for Dr. Hickman to review. He stated that Ms. McQuiston currently reviews the charts for Aspen Dental. She is not a dentist. When asked by the Board what it is she is looking for, he indicated she is searching for financial issues as well as looking for competency issues to protect the practice. The Board is concerned she that she is not a dentist and cannot give any advice on patient care or

competency. The Board requested that an outside dentist would need to review the charts. He stated he will contact Dr. Hickman to see if he would be willing to go to Aspen Dental to review the charts. The Board requested the reports from Dr. Hickman be sent to Ms. Vaught immediately. Dr. Leonard is aware that the Department of Revenue has a tax hold on his license that he will need to rectify this matter before he can renew his dental license. Dr. Leonard was questioned regarding his ability to retrieve patient charts from former office practice. Due to the bankruptcy filing he has been unable to retrieve his charts due to be locked out of the office. He is working with his attorney in order to get records for his former patients. Dr. Leonard inquired about modification of his probation terms and whether he would need counsel present. The Board stated that it would be his decision on whether he wanted counsel present.

**4. Edward T. Mamaril, D.D.S., License No. 12008594A**  
Administrative Cause No. 2008 ISDB 0001

Dr. Mamaril appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Mamaril stated things are going peaceful and wonderful. He indicated in a report to the Board that he has written or called in all prescriptions himself and has not delegated this to any staff. The Board requested he explain his regiment for prescribing halcion. He explained that he prescribes six (6) pills at a time. The patient is to take two (2) tablets one (1) hour before the dental visit. He then has the patient take a third pill in the office if the first two are not effective enough. Dr. Hollar is concerned with Dr. Mamaril titrating medications to get the desired outcome. Dr. Mamaril explained that he has been trained in both oral conscious sedation and intravenous (IV) sedation but has not used IV sedation since the mid 1990's. He does not do IV sedation with his current patients due to the multiple visits most have and others being high risk patients. He feels the oral sedation protocol works best for his patients. When asked if he is following the ADA guidelines, Dr. Mamaril stated yes. The Board is very concerned with Dr. Mamaril prescribing that amount of halcion yet the patient is only using two to three pills. The Board pointed out that each halcion pill is .25 milligrams with a maximum dose of .5 milligrams which means Dr. Mamaril is using .75 milligrams of halcion on each patient. Dr. Mamaril explained that he was trained by Dr. Becker at Sinclair College and that Dr. Becker agrees this is allowable. The Board did not agree. Dr. Mamaril told the Board he prescribes the six pills for patients that have to come back for multiple visits where he may have them use two to three pills for each visit and the prescription is to be used for multiple visits. The Board has decided to do a full months audit including an INSPECT report to compare his documentation against the report regarding his prescribing of halcion. They requested Dr. Mamaril send detailed documentation for each patient regarding prescriptions, number of visits, patient treatment plan and titrating records for the entire month of December 2009. Regarding the pharmacology continuing education course Dr. Mamaril is required to complete, he stated that he is committed to finding a pharmacology course and intends to complete

that this year. Dr. Mamaril asked if the DOCS (Dental Organization for Conscious Sedation) program is acceptable. The Board requested a copy of the program to decide whether it acceptable or not.

**5. Trevor Treasure, D.D.S., License No. 12010719A**  
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. He indicated to the Board things are going very well for him. He is currently waiting for California Medicaid to reinstate him, as Texas has already reinstated him. Dr. Treasure said he can begin working at Wishard Hospital as soon as Indiana Medicaid number has been reinstated. The Board is in receipt of letters from both I.U. and Dr. Moe. Dr. Treasure said things are going well with Dr. Moe and he feels fantastic. The Board has been told that Dr. Treasure is well liked at IU and has good relationship with his students. Dr. Treasure inquired to the Board regarding how to get his anesthesia permit reinstated. Ms. Vaught will relay this information to him by email.

**6. Theresa M. Watkins, D.D.S., License No. 12010271A**  
Administrative Cause No. 2006 DB 0003

Dr. Watkins has been rescheduled to appear April 9, 2010.

**B. APPLICATION**

**1. Iulia Francis, L.D.H.**

Ms. Francis requested an appearance before the Board regarding her application for dental hygiene licensure in the State of Indiana. She does not have a social security number, which is a requirement by statute for licensure. Ms Francis appeared with counsel, Steven L. Harris, whom explained she has passed all the required examinations and has obtained her dental hygiene degree from Indiana University. She has lived in the United States for the past ten (10) years with her husband that is a citizen of Great Britain. She cannot obtain a social security number in the U.S. due to not being a citizen. She is a citizen of Moldova and came to the U.S. in 2002. Ms. Francis has obtained her master's degree in journalism from Moldova and earned her dental hygiene degree in 2008 from Indiana University. Ms. Francis submitted a letter from the Department of Revenue indicating she does not qualify for a social security number, but they have given her a tax identification number to file a joint tax return with her husband. She explained to the Board that she is not trying to get a dental hygiene license for employment; she would like to have a license so she does not have to retake her national boards and clinical exams again since they expire five (5) years after successful completion. Ms. Francis stated she has found in her research that you need a social security number for tax purposes which is what the tax identification number is good for and you need a social security number for databank reporting and has found that since 2004 when the original rule was written for the databank reporting, they were not aware

that some people hold tax identification numbers in lieu of social security numbers and they will accept the tax identification number for this purpose as the rule has been amended. The Board has decided to take this under advisement and the Board's legal counsel will review all documentation. A decision will be made at the April 9, 2010 dental board meeting.

**2. Carl Jackson, Jr., D.D.S.**  
Jackson Family Dentistry, LLC.  
Mobile Dental Facility

Dr. Jackson appeared before the Board, as requested, regarding his application for a mobile dental facility permit. He was asked to appear before the Board to explain why he would like this permit. Dr. Jackson explained that his patients are now nursing home bound patients and this would allow him to go to his patients without them having to come to him. He has some patients that are unable to come to his office. He would like to be able to treat these patients at the facility. Parker City Health Care has requested that he see patients at their facility. He is the closest dentist to the facility that accepts Medicaid. There are patients who are not mobile enough to get into his office to be seen. He has had five (5) other nursing homes in his area request he see their patients as well. Dr. Jackson assured the Board that he will limit his mobile practice to the nursing homes in the Muncie area in addition to maintaining his private practice in the same area and relief work in Jamaica. The Board is concerned with follow-up care. He stated he is in his office 3 ½ days per week. He will set aside the other 1 ½ days left to do triage type care at the facility. Some patients can come to his office during office hours. His wife is on staff and assists him with this. She is a registered nurse in the State of Indiana. Dr. Jackson has a list of specialists he refers Medicaid patients to and a list of oral surgeons that works the same days he does. His equipment is portable and he has a portable sterilization machine. Parker City Health Care will provide him with an examination room with a Geri-chair for the patient. The Board commended Dr. Jackson for wanting to serve the public in this capacity.

**Board action:** A motion was made and seconded to grant Dr. Jackson a mobile dental facility permit.

WHITMORE/BURNS  
Motion carried 7-0-0

**3. Philip Ray Travis, D.D.S.**

Dr. Travis appeared before the Board, as requested, regarding positive responses on his application for licensure by endorsement. He answered "yes" to question 1 that asks "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?" and question number 7 that asks "Have you ever had a malpractice judgment against you or settled any malpractice action?" He explained that in 1994 his Kentucky dental license was placed on one

year probation and he was fined \$2,000.00 for allowing an unlicensed dental hygienist to perform services beyond their scope. The report from the NPDB/HIPDB indicated he permitted dental assistants to perform duties restricted by law to a licensed dentist or dental hygienist. He went on to explain to the Board that a complaint was filed and his Medicaid charts were subpoenaed. Dr. Travis said at the end of the hearing, counsel asked if it was possible that a dental assistant may have polished an un-restored or virgin tooth and he answered yes. The Board is concerned with the acceptance of the punishment by the Kentucky Board. Dr. Travis indicated to the Board that the Kentucky Board had more evidence against him and were threatening his license so he agreed to the plea bargain for his license. He went on to explain that he had settled three (3) malpractice claims in 1991, 1998, and 1999. The report from the NPDB/HIPDB stated that in 1990, he treated a patient for a painful tooth which led to extraction. He allegedly used excessive force resulting in a fracture of tooth #18. This claim was settled in 1991 for the amount of \$14,125.00. He explained that the patient complained of pain in tooth #17. That tooth was extracted that week with a suture put in place. Patient came back later for suture removal where he complained of pain in tooth #18. Dr. Travis recommended that the patient see an endodontist as there may have been a fracture in the tooth and jaw. He went on to explain that the patient had gone four-wheeling the previous weekend where he had been in an accident causing the issue with tooth #18. The patient did see the endodontist and was treated. Dr. Travis then received notice of suit for fracturing tooth #18 during the extraction of tooth #17. He states his attorney advised him to settle and that is what he did, not realizing this would come back on him in the future. In 1995, an associate dentist in his office performed a tooth extraction. The Plaintiff alleged the dentist in Dr. Travis' practice failed to diagnose and treat the infection causing condylar resorption, possibly requiring jaw reconstruction. The case was settled in 1998 as a result of mediation. Medical Protective paid \$60,000.00 on his behalf since he owned the practice. There was no admission of liability. The patient proceeded to sue sixteen (16) practitioners with a total settlement from all defendants of \$400,000.00. Lastly, in 1991, he performed a tooth extraction on tooth #1 of a patient. He stated he had advised the patient that when he extracted that tooth, tooth #2 would more than likely come out as well since it was periodontally unstable. He obtained patient consent to extract both teeth. He told the Board after the extractions, he heard the patient complaining to the front desk about being billed for two extractions instead of the one. To make the patient happy, he told her he would give her a "two for one" deal and had the office assistant adjust the bill. The patient filed suit against Dr. Travis and his attorney's advised him to settle out of court. Dr. Travis stated to the Board that he practices for the good of the patients and follows the access of care philosophy. When asked why he wanted licensure in Indiana, he explained that he has become involved with programs for underprivileged individuals and there is not that much access to care for uninsured patients in Kentucky. Dr. Travis is also licensed in Kentucky, Illinois and Michigan although he has never practiced dentistry in Michigan. He has decided to devote his self in providing services

outside of private practice. This has begun his career in public service dentistry and he does not have any plans to open, own, operate or work in private practice in the future.

**Board action:** A motion was made to deny Dr. Travis a dental license and seconded to open for discussion. The Board discussed options for probationary license to give him a chance to serve the public. An amended motion was made and seconded to deny Dr. Travis an unrestricted license.

HEAPE/WHITMORE

Motion failed 3-4-0

\*Ms. Whitmore, Ms. La Turner, Dr. Burns, and Dr. Rokita voted against

**Board action:** Upon further discussion, a motion was made and seconded to grant Dr. Travis a probationary license with terms and conditions as set forth by the Board and outlined in the probationary order.

BURNS/La TURNER

Motion carried 4-3-0

\*Drs. Heape, Miller and Hollar voted against

**Board action:** A motion was made and seconded to amend the probationary license terms and conditions.

BURNS/La TURNER

Motion carried 4-2-1

\*Drs. Heape and Miller voted against, Dr. Hollar abstained

The terms and conditions are as follows:

1. Dr. Travis' license to practice dentistry shall be on indefinite probation and he may not petition for removal of the probation for one year.

2. Dr. Travis' license shall be governed by the following terms and conditions of his probation:

A. Within six months from the issuance of this Decision on License Application, he shall obtain six hours of continuing education in oral surgery, six hours of continuing education in periodontal treatment and two hours of continuing education in ethics and jurisprudence. All of these courses must be obtained in person in live presentations and be in addition to the continuing education required for license renewal.

B. He shall practice dentistry in Indiana only with a mentor approved by the Board and any cost for the

mentor shall be paid by Dr. Travis. He shall cause the mentor to submit written reports to the Board every two months concerning his practice of dentistry.

C. He shall make personal appearances before the Board every two months.

D. He shall comply with all statutes and rules governing the practice of dentistry.

4. The failure of Dr. Travis to comply with the terms of his probation may subject him to a show cause hearing and the possible imposition of further sanctions.

## **C. RENEWAL**

### **1. Amanda Renee Broyles, L.D.H., License No. 13005889A**

Ms. Broyles appeared before the Board, as requested, regarding her expired license renewal. She has been practicing dental hygiene on an expired license since March 1, 2008. She explained to the Board that she forgot to renew in 2008. She currently works part time in three offices and failed to notify her employers as soon as she was informed that her license was expired. She works for Dr. Donald Fisher on Mondays, Dr. John Hennett in Indianapolis on Wednesdays and Fridays and Dr. Jeffrey Canfield on Tuesdays. She discovered on Tuesday, February 2, 2010 that her license was expired and Drs. Hennett and Fisher both let her practice knowing her license was expired. The Board is very concerned that she went ahead and practiced even though she and the doctors knew she was expired. Legal counsel advised the Board their options are to deny reinstatement, reinstate, reinstate and file a complaint, request the Attorney General's office to investigate without reinstatement, or agree to a probationary license.

**Board action:** A motion was made and seconded to reinstate Ms. Broyles expired dental hygiene license.

HOLLAR/HEAPE  
Motion carried 7-0-0

**Board action:** A motion was made and seconded to provide a strong letter of information to Dr. Fisher and Dr. Hennett regarding posting of licenses and reiterating that the Board does not appreciate them overlooking their dental hygienists knowingly practicing unlicensed.

HOLLAR/ROKITA  
Motion carried 7-0-0



## **V. ADMINISTRATIVE HEARINGS**

1. **State of Indiana vs. Roschelle Major-Banks, D.D.S., License No. 12009164A**  
Administrative Cause No. 2009 ISDB 0009  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** The hearing in this matter was continued until April 9, 2010.

2. **State of Indiana vs. Frank Jerome, D.D.S., License No. 12006610A**  
Administrative Cause No. 2009 ISDB 0007  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** Respondent did not appear nor was he represented by counsel. Mr. Mader stated to the Board the terms of the settlement agreement with the Respondent. The Agreement reads as follows:

1. Respondent shall be issued a LETTER OF REPRIMAND.
2. Respondent shall complete an additional six (6) hours of continuing education with four (4) in courses related to Periodontal Diagnosis and Treatment and two (2) hours in Office Administration and Record Keeping; these hours are above and beyond those already required for biennial license renewal. All courses are to be completed by May 1, 2010 or as soon as they are first available to

Respondent, with certificates of completion forwarded to the Office of the Indiana Attorney General, in care of Mark E. Mader, no later than May 15, 2010.

3. Respondent shall certify he has read and understands the statutes and rules governing the practice of dentistry in Indiana. Said certification shall be forwarded to the Office of the Indiana Attorney General as above, no later than May 15, 2010.

**Board action:** A motion was made and seconded to approve the settlement agreement as written.

HOLLAR/ROKITA  
Motion carried 7-0-0

3. **State of Indiana vs. Daniel J. Fink, D.D.S., License No. 12007602A**  
Administrative Cause No. 2006 ISDB 0006  
Re: Complaint

**Parties and Counsel Present:**

Dr. Fink represented by David Givens  
Mark Mader, Deputy Attorney General for the State of Indiana  
Terry Richmond, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** Respondent appeared before the Board, with counsel, regarding a complaint filed with the Office of the Attorney General. Mr. Mader made an opening statement, explaining to the Board the reason behind the complaint. Action began on December 28, 2009 with a verified complaint from Delta Dental employee, Andrea Ruehle. She indicated that Dr. Fink had submitted a claim for payment for treatments rendered on August 17, 2009 and October 7, 2009. The court records in this matter will show that the Respondent was suspended for a period of sixty (60) days from August 10, 2009 until October 9, 2009. The Attorney General's office sent Scott Sunderman, an investigator, to speak with the two patients in question, regarding the care given by the Respondent. On January 20, 2010, the Attorney General's office received a referral from Ms. Vaught containing allegations of improprieties with respect to the Board's order of probation. Because these allegations were extremely serious, they asked Mr. Sunderman to go back to Evansville, Indiana and interview the complainant in this matter. Tracy Rodenberg was the office manager for DentaSafe, the Respondent's practice, for approximately nine months, until she was fired in late December. Due to the Board being very familiar with the Respondent's probationary terms, the State asked the Board to take into consideration as they listen to the evidence the Attorney General's office

presents. Counsel for the Respondent, Mr. Givens, stated he feels the hearing should not proceed this way. Mr. Givens indicated Ms. Rodenberg was released due to writing prescriptions for herself and others as well as taking medications from the office for herself. He stated to the Board that he will show Ms. Rodenberg is an unreliable witness and they will also show that on December 10, 2007 the Board put unreasonable terms on the Respondent's probation and that he has complied throughout. The State called Tracy Rodenberg. She stated she was employed by the Respondent for ten months as the office manager. Her duties included billing, new patient consultation and various other tasks Respondent and Dr. Ruthie Jimerson asked of her. She related to the Board that she is aware the Respondent's dental license is on probation and she is also aware that they were not allowed in the office alone with him and he could not see patients without his on-site monitor being present. She also stated she knew his license was suspended for sixty days from August 10, 2009 until October 9, 2009. Ms. Rodenberg states that she observed the Respondent in the office every day while suspended and did see him practice dentistry on patients, one of them being Dr. Jimerson's brother whom he set a set of dentures for without his on-site monitor present. She also verified that Dr. Jimerson was not in the office every day as Dr. Jimerson also works at Wabash Correctional Facility on Tuesdays and Fridays and that Respondent was in the office every Tuesday and Friday without Dr. Jimerson being there. Ms. Rodenberg related to the Board that Respondent was very hateful to the staff, cursing at them and throwing dental instruments at his dental assistants. She also stated that she had seen a dental assistant taking x-rays without her x-ray certification and that she witnessed several patients being seen by the Respondent without the required on-site monitor being present. The State asked if she was taking any medication, she responded yes, that she takes Imitrex and ibuprofen for stress headaches. Ms. Rodenberg told the Board the Respondent knew of her stress headaches and would give her shots of lidocaine in her neck and shoulders to relieve the stress. She said he had done that with others in the office as well. She told the Board the Respondent would pre-bill insurance companies for work not yet completed. She stated patients would call Dr. Jimerson or the Respondent and complain that the medications they were on were not working; they would write the patients new prescriptions and take the unused prescriptions and keep them for themselves or treat other patients with them. She testified that she currently has a CPR card which she never actually obtained herself. Ms. Rodenberg explained the Respondent had a deal with someone in the building where he would perform dental work in exchange for CPR cards. She stated she has quit working for the Respondent on three separate occasions, but each time, Nick Owens, an investor in the dental practice, would have her come back and he would reprimand the Respondent and Dr. Jimerson. Ms. Rodenberg said one of her duties was to call in prescriptions for the Respondent and occasionally Dr. Jimerson. He would call her after hours for some patients even when his license was suspended. She stated she has never called in prescriptions for herself or anyone else unless authorized by the dentists. She stated she received a call from Mr. Roush and that he said he had a conversation with Theresa Ledbetter and that if she had this meeting today, they would subpoena her in a drug case. The State pulled Ms. Rodenberg's INSPECT (INDiana Scheduled Prescription Electronic Collection and Tracking) report showing she only had four prescriptions for herself. On cross examination, she agreed to being fired in December 2009 and that Dr. Jimerson, Dr. Fink and Mr. Elliot, a patient/friend of Dr. Fink's, were all present. Counsel stated Ms.

Rodenberg is under investigation with the Indiana State Police, which she said is untrue. Counsel also advised that Ms. Rodenberg was never apprised of Respondents probationary stipulations and never said anything regarding him working when Dr. Jimerson was not present. Counsel indicated she was terminated due to prescripts that she was calling in and picking up for herself and asked why she was terminated from her previous job at Dentist Aid. She stated she quit to work for Dr. Fink and Ruthie Jimerson and did not have to disclose that on the application. The State objected, stating she is not the one on trial. The Board warned Mr. Givens to keep it pertinent as to what is going on in this hearing. The State admitted Exhibit 3, Ms. Rodenberg's INSPECT report. Respondents counsel objected, stating it was not the same report that they had pulled on Dec. 2, 2009. It was explained that the State's report shows only prescriptions called in for Respondent. The Board accepted States Exhibit 3. The State next called Scott Sunderman, Senior Investigator, Office of the Attorney General. Mr. Sunderman was requested to go to Evansville, Indiana to speak with Wanda Sanders and Akyia Terry regarding billing during Respondents suspension. Mr. Sunderman personally spoke with Ms. Sanders on December 15, 2009 and Ms. Terry by telephone on January 20, 2010. He met with Ms. Sanders explaining she had been denied billing by Respondent for the period in question. She indicated the dates on the form were correct and she only saw Respondent on August 17, 2009 which is the same date Delta Dental is questioning. When Ms. Terry spoke with Mer. Sunderman, she indicated she was in the office on October 7, 2009 and visited with and was treated by Respondent which is another date questioned by Delta Dental. The State showed Mr. Sunderman the original complaint from Delta Dental that was received prior to his investigation. The Board accepted this complaint as Exhibit 1. This is a verified consumer complaint sent by Andrea Ruehle in December 2009 for specified dates of service. His office billed \$55.00 for two procedures for Ms. Sanders and for two procedures for Ms. Terry. Both dates are from when Respondent's dental license was suspended. Mr. Givens asked Mr. Sunderman questions regarding Ms. Sanders. Mr. Sunderman stated she indicated she was seen by Respondent on August 17, 2009 and when asked if he could read the letter out loud, the State objected. Mr. Givens asked Mr. Sunderman how he verified Ms. Sander's information. He stated that he showed her the paperwork for the denied billing with the date of service in question and she agreed that was correct and that she did in fact see Dr. Fink and not Dr. Jimerson. The State recalled Ms. Rodenberg to the stand for questions from the Board. When asked who hired her at DentaSafe, she indicated it was Dr. Fink and Amy Kirkenbrock but when she was fired, Dr. Fink, Dr. Jimerson and Steven Elliot were all present. She explained that Mr. Elliot has nothing to do with the practice; he is a patient and friend of Dr. Fink's and was called into the office upon completion of his dental work that day to witness her being fired. Ms. Rodenberg told the Board that she has worked in other dental offices and works as a patient care specialist for Aspen Dental and All Care Dentures since 2007, no longer than one year at each facility. She stated she did offer to take a drug test but was denied and told to leave, citing she never had authority to call in prescriptions for him. When asked why she left the other practices, she said for more money and better benefits. The State entered Exhibit 2, the INSPECT report for Dr. Fink for the period of time of his suspension. Mr. Givens called Respondent to testify. When asked if he has a copy of the agreement from the 2009 meeting, he indicated he did not. The only report he has is dated December 10, 2007. He stated he

understood the report as to say he would obtain an onsite monitor that had to be present for him to engage in the practice of dentistry. Dr. Fink said it was never in his mind that he could practice dentistry during that time without a monitor, but he could be in the office for billing and paperwork. The Board has approved two onsite monitors for him, Dr. Jimerson and Dr. Edwards. Dr. Edwards was injured in an accident and never monitored Dr. Fink. When asked if he had ever practiced without a monitor, he said yes, on March 16, 2009 when Dr. Edwards had is accident although he is clear in his understanding that the monitor must be present on the premises when he performs any dental act on patients. The State asked that testimony regarding the March 16, 2009 incident not be admitted in this case due to the fact that it has already been before eh Board and suspended for his act. The Board agreed. When asked if since December 10, 2009 had he practiced dentistry alone he stated he had not. He also told the Board that all new employees know of his probation. Mr. Givens asked Dr. Fink about Ms. Sanders visit. He stated she came to the office with a tooth ache in August of 2009 to see Dr. Jimerson and was then referred back to him after his suspension. Dr. Fink indicated that Ms. Sanders has a little dementia and that he did nothing improper with her care. When asked about Ms. Terry, he said Dr. Jimerson saw her on October 7, 2009 for a hygiene appointment then he saw her again after his suspension. He believes the billing must be in error since he was not there; he did not see those patients and was not involved in either case in question. Mr. Givens stated Scott Norrick, a cousin of Dr. Fink, wrote a letter stating Dr. Fink was in Indianapolis during the time in question. Mr. Givens entered into evidence defense Exhibit A, a letter from Renee Burton stating she held a CPR course in the office of DentaSafe and issued CPR cards to the participants. When asked by Mr. Givens if he is familiar with the complaint filed by this Board on January 27, 2010 paragraph 5(d) regarding Theresa Ledbetter the insurance coordinator, an assistant and Dr. Jimerson taking x-rays without an x-ray certificate, he said it is false that they do not do x-rays. When asked if he was in the office during the time in question, he stated he was in and out and only did dental work when Dr. Jimerson was present. He did admit to working in the office with other employees without Dr. Jimerson being present when he is doing paperwork or other business besides dentistry. He stated Dr. Jimerson and him are vehement about his situation and will not take a chance on losing the practice due to little things like seeing a patient unsupervised. Dr. Fink maintains everyone is in compliance with his order, especially him. When asked if Dr. Jimerson has complied with his order, he said to his knowledge, yes. Mr. Givens stated there are seven (7) counts against Dr. Fink in this complaint. Count 1, practicing without a monitor; Dr. Fink said that was false. Count 2, lewd conduct; Dr. Fink said it is false that he used immoral conduct or language. Count 3, x-rays being done by non-certified x-ray technicians; Mr. Givens did not discuss anything regarding this issue. Count 4, performing treatment during suspension; Dr. Fink testified that he did not practice during his most recent suspension. He said Ms. Sanders is mistaken and did not see him; she saw Dr. Jimerson then was referred to him when he returned from his suspension. Defense entered into evidence Exhibit B page one of Ms. Sander's treatment histories. The Board accepted Exhibit B. The date of August 17, 2009 showed Dr. Jimerson treated her and has Dr. Jimerson's handwriting as far as he knows. Dr. Fink treated Ms. Sanders on November 17, 2009. Count 5, Roosevelt Mukes dentures; Dr. Fink explained he never saw Mr. Mukes that Dr. Jimerson takes care of all of his dental work and was only called in for a consult on one occasion

prior to his suspension. Count 6, on site with staff without monitor present; Dr. Fink again stated that he has not been in his office doing the act of dentistry without his monitor present. Count 7, injections of lidocaine; Dr. Fink explained that he did in fact give Ms. Rodenberg injections of lidocaine in her neck. He said he was never told by the Board that he could not do lidocaine injections and that he frequently uses trigger point injections for temporomandibular joint (TMJ) therapy as a second stage treatment and has been doing so for over 25 years. On cross examination, Dr. Fink agreed he is not a doctor yet frequently treats patients with lidocaine injections to the neck and shoulders for headaches, stated that it is not a possibility for him to make notations in charts at later times, and indicated that Renee Burton has in fact been fired but not for the CPR course issue. The State pointed out Dr. Fink's witness from Speedway, Indiana is not present for cross examination and the Board can only go by the written statement. When asked if he understood he could not even be in the office around his staff without a monitor, he stated he only needed a monitor when he was doing dental work. Dr. Fink made it very clear that Dr. Jimerson was on in the office three days per week and he was in fact around staff when Dr. Jimerson was not there. When asked by the State if it would surprise him to find prescriptions called in under his name during his suspension, he answered no. The State admitted States Exhibit 2 the billing of Delta Dental showing it was in his name even though he states he was not in the office for the dates of service indicated. The Board accepted Exhibit 2. Defense counsel redirects to the situation with Dr. Edwards not being in the office. Mr. Givens asked what he should have done in March of 2009 and he stated he should have cancelled all patients but he felt an obligation to serving them. He indicated he immediately reported it to the Board. The State objected a second time regarding this period of time in which he practiced without a monitor and has been disciplined for said matter. The Board pointed out in the original order item 4 where it states he is not to be in the office with employees or patients when the monitor is not there. Secondly, the Board questioned his misuse of the INSPECT program. He stated he does use it for patients, but the Board pointed out it is not in effect for doctors to verify prescriptions they have been writing but for patient prescribing. The Board also questioned the lidocaine injections for TMJ. Dr. Fink indicated the patient treatment plan has been removed from Ms. Rodenberg's file. He told the Board he is using 3% lidocaine injections in the neck and shoulders for trigger point pain associated with TMJ and has several articles regarding this treatment. Dr. Hollar asked about his treatment of the staff and he indicated Ms. Rodenberg is the only staff member he treats. The Board requested to see the charts of three patients. The Board accepted Defense Exhibits C, D and E to the record. The Board reviewed these files in which all showed notations of lidocaine injections for a myriad of symptoms. None of the files showed billing charges for the injections, Dr. Fink stated he does not charge for the injections as it is part of his TMJ management package. Dr. Burns questioned his prescriptions during the time period in question for 37 patients called in erroneously under his name. He stated they should have been under Dr. Jimerson's name. The Board questioned Ms. Sanders file and chart notations from August 17, 2009 visit, asked about the receipt from Ms. Gross' prescription and about the prescription bottle for Richard Ashby that Theresa Ledbetter found in the trash. He stated the receipt and bottle were not found at the same time and they did not keep the bottle as it was not a concern at that time. Ms. Ledbetter produced a copy of the receipt and the Defense counsel entered it as Exhibit G. The State objected to Exhibit G, as it

shows Ms. Rodenberg's address on it. The Board questioned Dr. Fink about his visit to Speedway, Indiana from October 2 – 10, 2009 asking if he had anything to prove he was in that area during that time. He said no, he had no way of proving that. Dr. Burns questioned his procedure for charting and eh explained the assistant puts notations in the chart; name and doctor of record is placed on the x-rays; and dome of the chart notations have signatures, some do not. The x-rays from Ms. Sanders visit on August 17, 2009 have Dr. Finks name on them; he said that was because he is her doctor of record. When asked, he stated Ms. Rodenberg did both insurance billing and office managing; now Ms. Ledbetter is the insurance coordinator however she did not submit the insurance for the dates in question. Ms. LaTurner asked if it was ordered to not be around staff when another dentist was not around, what made him comfortable to do so. He said he interpreted it as only when he was doing dentistry. The State entered Exhibit 4, an INSPECT report from February 1, 2009 to February 4, 2010. The Board admitted Exhibit 4. The State asked Dr. Fink if he routinely prescribed the medications on the report; he answered yes, for TMJ treatment. Dr. Fink did not bring with him any of the charts for the TMJ patients indicated on the report. Dr. Heape asked if Dr. Fink attended a specific TMJ course, he said he has attended several courses but no recollection of the exact course title. The State asked who else had authority to call in prescriptions to which he answered Ms. Rodenberg and MS. Ledbetter. The State asked if he had a hard copy of who called in the prescriptions. He stated he does not; however, the pharmacy keeps records of who calls in prescriptions. The State made a point that anyone can give any name when calling in prescriptions over the phone. The Defense next called Dr. Ruthie Jimerson. She indicated she has worked with Dr. Fink since April 2008. Dr. Jimerson told the Board she was not practicing with Dr. Fink in December 2007 when his original order was set. She has been back and forth with Cindy regarding the probationary order to make sure she was doing what it was she needed to be doing for him since she is his onsite monitor. She understands he is not to see patients unless she is physically in the office and is to file monthly reports regarding Dr. Fink. She told the Board she has read the order with Dr. Fink on several occasions and is adamant that no patients are to be scheduled on Tuesdays and Fridays because she is not in the office on those days. She told the Board that outside of the issue with Dr. Edwards she does not know of any time that the order has been violated. Dr. Jimerson said she was not aware of the situation with Ms. Rodenberg until the day they terminated her. She also stated she does not let anyone call in her prescriptions for her, she does her own. Dr. Jimerson said she cannot remember if there was any profanity, she just remembers tempers were high and she had to separate Ms. Rodenberg and Dr. Fin during the meeting. When asked if Dr. Fink seated a set of dentures for Roosevelt Mukes, she stated she delivered the partial and consulted with Dr. Fink over surgery on Mr. Muke's torride making the partial ill-fitting. The complaint states Dr. Fink seated the dentures with Ms. Ledbetter assisting. When asked what she was doing when Dr. Fink was seeing his patients, Dr. Jimerson stated she was seeing her own. She felt the order did not say she must monitor him while he is was seeing his patients, she took it to mean she only needed to be on the premises while he was seeing patients, not actually shadowing him. Defense counsel asked Dr. Jimerson if she made the entry in Mr. Muke's file for the partial fitting on June 29, 2009 in which she answered yes. She stated she makes most of her entries herself. When asked about Ms. Sanders, she said Ms. Sanders had contacted the office to thank Dr. Jimerson. She asked Ms. Sanders to write a

letter because of the confusion of the dates of service and who had helped her. Defense counsel entered the letter as Defense Exhibit H and accepted by the Board. Dr. Jimerson told the Board she saw patients for two months by herself while Dr. Fink was suspended. On cross-examination, Mr. Mader stated Dr. Jimerson knew that Dr. Fink was alone in the office with employees when she would leave to go to the bank. She stated it was only if there were no patients in the office as she understood the order said she only needed to be in the office while he was seeing patients. Mr. Mader pointed out Dr. Fink's probationary order clearly states the monitoring dentist is to explain when and why he is in the office with staff members without her being present. She does not understand that the order does not refer to practicing dentistry only; it states he cannot be in the office with staff or patients without the monitor present. The State asked if she ever leaves the office with Dr. Fink there while staff is present, she recanted her previous answer and said when she goes to the bank it is at the end of the day. When asked if Dr. Fink was in the office on days she is not there, she stated if the staff called her to report monies on Tuesdays and Fridays, she would ask where their boss is and they say he is not there. Mr. Mader again asked if she knew that he was in the office on Tuesdays and Fridays with staff she replied she only knows what is going on when she is there. Dr. Jimerson said she never asks if he has been there. She currently works at the Wabash Valley Correctional Facility on Tuesdays and Fridays from 7:00 a.m. until 3:00 p.m. The State asked about the letter from Ms. Sanders and whether she typed out the letter or the office did. She stated the office typed the letter for Ms. Sanders. When questioned by the Board regarding the letter, she stated her office typed it, had Ms. Sanders read it, and she signed it. On the billing front, she said the billing issues have been corrected. The billing system defaults to the dentist of record and this has happened several times. Dr. Hollar asked if they have Medicaid numbers in which she replied, no, but the office has one. Dr. Jimerson told the Board she sees all emergency and after hours patients. The Board asked if consulting is considered practicing dentistry, in which she replied "yes". The Board noted in Ms. Sanders file she was billed for a procedure code that was not listed on the chart. Dr. Jimerson stated she did not know what that particular code is. Dr. Miller asked if this was new information that Dr. Fink could not be in the office with staff when his monitor was not onsite. She said she assumed on the days they were not seeing patients, he could be in the office. She testified that she knows Dr. Fink is in the office with staff without an onsite monitor present saying her interpretation of the order and the Boards interpretation do not match. Dr. Jimerson feels she has been a good monitor in she has complied with the order giving her quarterly reviews to staff and her reports to Ms. Vaught as requested. She told the Board she has never received negative feedback from any of the staff regarding Dr. Fink's behavior or professionalism. Ms. LaTurner commended Dr. Jimerson on her integrity and asks about her feelings of Dr. Fink's integrity. She thinks Dr. Fink is a good doctor and teacher she has learned a lot from. Dr. Jimerson said patients love Dr. Fink and his staff likes him and she would report any negatives if she ever saw them happen or if something negative happened that would jeopardize their practice. Dr. Jimerson and Dr. Fink are equal owners in the practice. The Defense called Amy Kippenbrock to the stand. She is currently Dr. Fink's dental assistant. When asked, she stated she has her x-ray certification as well as the dental hygienists, Christy Koontz and Carly Lear. She stated Ms. Ledbetter was being cross-trained for x-ray and has only observed her taking the x-rays. The office is looking towards certifying



Ms. Ledbetter and other employees in the future. Defense counsel entered Exhibit I, which is a sworn statement from Ms. Kippenbrock stating that to her knowledge, no one being the office has taken x-rays without being certified to do so. Exhibit I was admitted by the Board. Ms. Kippenbrock told the Board she was told by an Indiana State Police (ISP) investigator to not have any contact with Ms. Rodenberg, that she was being investigated for prescriptions. Defense counsel entered Exhibit J, a report from ISP office Vinnie Geiselman. The Board admitted Exhibit J. When asked if she knew how this investigation began, she said she is not sure. The State asked if she was aware of Dr. Fink throwing dental instruments, she said no, that she would not work for someone that threw things. The State asked if she was aware of the throwing of the instruments he was sanctioned for in the 1990's. She stated that she was not aware of the throwing of the instruments, only the sexual allegations. Ms. Kippenbrock told the Board she has been in the office with Dr. Fink when his monitor was not present. The Defense called Theresa Ledbetter to testify. She stated she is employed at Denta Safe and works the front office, does Medicaid billing and helps chair-side. Defense counsel entered Exhibit K, a statement prepared by Ms. Ledbetter. The Board admitted Exhibit K. The statement outlines issues with Ms. Rodenberg which the State has determined as not relevant to the current case. Ms. Ledbetter stated she had shadowed Ms. Kippenbrock but has never taken x-rays nor has she been asked to take x-rays. The State asked if she has been in the office with Dr. Fink when Dr. Jimerson was not there. She answered yes. Defense counsel asked what Dr. Fink was doing when Dr. Jimerson was not there. She stated he was not practicing dentistry. The Defense counsel called Nicky Hogan to testify. Ms. Hogan also had a statement prepared that was entered as Defense Exhibit L. The Board admitted Exhibit L. Ms. Hogan stated she has worked for Dr. Fink for the last five (5) months and she is aware of the sanctions placed by the Board. When asked if Dr. Fink works with patients when Dr. Jimerson is not there, she said no, that everyone is aware of the rules. She stated she has seen Ms. Rodenberg take Lortab at the front desk on at least four occasions. When asked if she performed differently, she said she seemed to be on edge. Ms. Hogan is Nick Owens's daughter; he is an investor in the practice. Ms. Hogan has worked for Dr. Fink since October 2009. She took a month off to have her baby and went back to work for Dr. Fink the second week of January 2010. When asked about the incident where Dr. Fink and Ms. Rodenberg had to be separated, she indicated she was not there. Ms. Hogan explained to the Board that she has been a patient of Dr. Fink's since she was four years old. She stated Dr. Fink has prescribed controlled substances for her on two occasions. However, her INSPECT report shows he has written prescriptions for her on four separate occasions. Ms. Hogan stated they were for root canals Dr. Fink could not finish while she was pregnant. He prescribed hydrocodone and amoxicillin with her doctor's approval. When asked if she was ever in the office with Dr. Fink when Dr. Jimerson was not present she said no. She told the Board she works five days a week then stated Dr. Fink is there on Tuesdays and Fridays when Dr. Jimerson is not there. Ms. Hogan told the Board she was made aware of Dr. Fink's sanctions when she was hired. Defense counsel called Kirk Midkiff to testify. Defense counsel entered Exhibit M. The State objects because it only smears Ms. Rodenberg's name. The State accepted only paragraphs 1, 2, and 7; struck paragraphs 3-6, 8 and 9. The Board admitted the modified Exhibit M. Mr. Midkiff owns a denture laboratory and has worked with Ms. Rodenberg on two occasions. He indicated to the Board that he does a fair amount of business

with Dr. Fink. He feels Dr. Fink is an excellent dentist. The Defense counsel called Cindy Vaught of the Professional Licensing Agency to testify. Mr. Givens asked Ms. Vaught about the quarterly reports that must be filed. She stated they must be sent directly to her. Ms. Vaught indicated she has received approximately twelve (12) reports, the last one being received January 2010. When asked if any of the reports have been critical of Dr. Fink, she stated no. The State clarified that the reports come from Dr. Jimerson. Ms. Vaught explained that if one was missing, she would contact Dr. Fink and request it, but she has never had to do that. If she were to receive a report that had an issue with it, she would bring it to the Board for review and has not had to do that either. When asked about Ms. Rodenberg's evaluation, Ms. Vaught said without looking over all the reports she would have to assume Tracy's report was good. Ms. LaTurner questioned the December 2009 and January 2010 reports asking if there were any references to the cursing in the office. Ms. Vaught stated there was not anything in the reports regarding this. The State called Tracy back to ask if she knew what would happen if she ever reported anything negative on Dr. Fink to the Dental Board. She stated she did not previously report the things that are going on in the office because she was afraid she would lose her job. The State closed with saying the Defense counsel does not have the knowledge the Board has regarding Respondents situation and does not have the information pertaining to why the Board constructed the probationary order as it is outlined. The State stressed that the order dictates that Dr. Fink was not to be in the office alone with patients or staff and he has continuously violated his order. The State reminded the Board they are over public safety and in charge of protecting staff and patients. The Defense closed with a statement that he finds the original order out of line. He is asking the Board to give Dr. Fink another chance.

**Board action:** A motion was made and seconded to find Dr. Fink guilty of Count 4, treating a patient during suspension; Count 6, on site with staff without his monitor present; and Count 7, finding him practicing outside his scope of practice by giving injections of 3% lidocaine for headaches and not guilty of Count 1, practicing without his monitor on site; Count 2, lewd conduct; Count 3, allowing uncertified individuals to take x-rays; and Count 5, assisting with the fitting of dentures while suspended.

HOLLAR/ROKITA  
Motion carried 7-0-0

**Board action:** A motion was made and seconded to permanently revoke Dr. Fink's Indiana dental license based on the guilty verdict of Counts 4, 6, and 7.

HOLLAR/BURNS  
Motion carried 7-0-0

4. **State of Indiana vs. Charlotte Connor, L.D.H., License No. 13005407A**  
Administrative Cause No. 2010 ISDB 0001  
Re: Petition for Review of the Board's Denial of Petitioner's Application  
For Reinstatement of Licensure

**Parties and Counsel Present:**  
Petitioner was present without counsel

Mark Mader, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S.

**Case Summary:** Ms. Connor appeared before the Board regarding her petition for review of the Board's denial of Petitioner's application for reinstatement of her expired license. She had applied for reinstatement of her license that expired March 1, 2004. According to the statute and rules, a license expired more than three years must be approved by the Board for reinstatement and the licensee must make a personal appearance at the request of the Board. Ms. Connor was not able to appear for the personal appearance on December 4, 2009. The Board denied her request for reinstatement. She appealed the decision and is present today to ask the Board for reinstatement. Mark Mader stated this is a basic motion and it is the Board's decision to reinstate her license. Ms. Connor stated she has been practicing in the state of Ohio for the past nine (9) years. She lives in Ohio and is requesting reinstatement of her license so she can work in the Richmond, Indiana area. Ms. Connor explained that she could not appear at the last meeting as requested due to her work schedule. She has paid the reinstatement fee, completed the renewal application and submitted all the continuing education requirements. She indicated to the Board that she is current on the Indiana statute and rules. Ms. Connor practices an average of 30-35 hours per week and has been with the same employer for the past few years. She has also recently taken and successfully completed a local anesthesia course.

**Board action:** A motion made and seconded to grant Ms. Connor's appeal of and reinstatement her dental hygiene license.

BURNS/ROKITA  
Motion carried 7-0-0

5. **State of Indiana vs. Bryan Eugene Spilmon, D.D.S., License No. 12008986A**  
Administrative Cause No. 2004 ISDB 0005  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.

Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** A continuance was requested by Respondent's counsel. The continuance was granted by the Board.

6. **State of Indiana vs. Robert Ray, D.D.S., License No. 12008655A**  
Administrative Cause No. 2009 ISDB 0008  
Re: Settlement Agreement

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Carrie Roemer, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** A complaint was filed with the Indiana Office of the Attorney General on October 6, 2009. A settlement agreement has been reached with the Respondent and the Attorney General's office. Mr. Mader went over the terms of the agreement.

1. Respondent shall receive a Letter of Reprimand.
2. Respondent shall complete an additional four (4) hours of continuing education with two (2) hours in courses related to Crown Treatment and two (2) in Indiana Ethics and Jurisprudence; these hours are above and beyond those already required for biennial license renewal. All courses are to be completed by May 1, 2010 or as soon as they are first available to Respondent, with certificates of completion forwarded to the Office of the Indiana Attorney General, in care of Mark E. Mader, Deputy Attorney General, no later than May 15, 2010.
3. Respondent shall certify he has read and understands the statutes and rules governing the practice of dentistry in Indiana. Said certification shall be forwarded to the Office of the Indiana Attorney General as above, no later than May 15, 2010. The Board shall retain continuing jurisdiction of this matter.

**Board action:** A motion was made and seconded to accept the settlement agreement as written

HOLLAR/BURNS  
Motion carried 7-0-0

## **VI. NOTICE OF PROPOSED DEFAULT**

There were no notices of proposed default before the Board.

## **VII. OLD/NEW BUSINESS**

There was no old or new business to discuss before the Board.

## **VIII. DISCUSSION**

### **A. Statute and Rules Violations**

Statute and rule violations were discussed by Dr. Burns. She feels the Board should be available to settle informal complaints. She thinks this would help with some of the issues we have with dental constituents not paying enough attention to the statute and rules. Legal counsel for the Board suggested complaints of this nature should be done through Ms. Vaught since the Board acts as judge and jury.

### **B. Kathleen J. Foster, D.D.S.**

Re: Request for Waiver of Continuing Education for Renewal

Dr. Foster requested a waiver of the continuing education (CE) requirements for the upcoming renewal due to a medical condition. She indicated in her letter she has been battling breast cancer. She has also been able to practice dentistry on a full time basis. The Board stated she can either place her license on inactive status and renew at a later time once the CE is completed or she can complete the CE now and renew on time.

**Board action:** A motion was made and seconded to deny Dr. Foster's request for a waiver of continuing education for the renewal period of March 1, 2008 to March 1, 2010.

WHITMORE/La TURNER  
Motion carried 7-0-0

### **C. John C. Cosby, D.M.D.**

Central Regional Dental Testing Service, Inc.  
Re: CRDTS National Dental Examination

Dr. Cosby sent a letter to all state boards in the CRDTS licensing jurisdictions indicating they are changing their name from "CRDTS Dental and Dental

Hygiene Examinations" to "CRDTS Dental and Dental Hygiene Licensure Examination".

## **IX. APPLICATION REVIEW**

### **A. Examination**

There were no applications by examination to review.

### **B. Endorsement**

#### **1. Ralph Downey, D.D.S.**

The application file for Dr. Downey was reviewed by the Board regarding questions with the CRDTS examination scores. Dr. Downey is a 1988 graduate of Creighton University Dental School and currently licensed in the states of Colorado, Idaho, and Wyoming. He has taken and passed the National Boards and CRDTS for his regional examination. After review, the Board that Dr. Downey met the qualification for dental licensure.

#### **2. Sameera Hussain, D.D.S.**

The application file for Dr. Hussain was reviewed by the Board regarding questions concerning her work history. Dr. Hussain is a 1997 graduate of Boston University Goldman School of Dentistry and is currently licensed in the states of Arizona, Connecticut, Illinois, Massachusetts, Pennsylvania, and Texas. She is also licensed in Canada. She has taken and passed the national boards and the NERBS for her regional examination. The work history provided on her application indicates she has not engaged in the practice of dentistry for two (2) out of the three (3) years preceding the date of application. Dr. Hussain submitted a state she has been a clinical director overseeing several of her practices. Dr. Hussain was also disciplined in the State of Massachusetts. In November of 2008 Dr. Hussain entered into a Consent Agreement for Probation. She was placed on one year probation with terms and conditions. She has completed all requirements of the probation.

**Board action:** A motion was made and seconded to deny Dr. Hussain's application for dental license by endorsement based upon she has not engaged in the practice of dentistry for two (2) out of the three (3) years preceding the date of application.

BURNS/La TURNER  
Motion carried 7-0-0

#### **3. Brenda Jo Vest, L.D.H.**

The Board reviewed the application file for Ms. Vest. Ms. Vest is a 2007 graduate of Brevard Community College and is licensed in the state of Florida. She has taken and passed the national boards and a Florida state constructed

examination. The Board stated the Florida state board is acceptable for licensure.

**C. Anesthesia and Sedation Permits**

There were no anesthesia permits to review.

**D. Dental Intern Permit**

There were no dental intern permits to review.

**E. Mobile Dental Facility**

There were no mobile dental facility applications to review.

**F. Instructors License**

There were no instructor's license applications to review.

**G. Professional Corporations**

There were no professional corporation applications to review.

**X. RENEWALS**

There were no renewal applications to review.

**XI. PROBATIONARY/CONDITIONAL LICENSE REPORT**

**A. James W. Cahillane, D.D.S.**

Dr. Hollar reviewed Dr. Cahillane's probationary file. His reports from the Indiana Dental Well Being Program for October, November, December 2009 and January 2010 were reviewed and accepted. Dr. Cahillane has requested lift of the probationary requirement. This matter has been scheduled for April 9, 2010.

**B. Penelope Lynn Dunlap, D.D.S.**

Dr. Hollar reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for December 2009 and January 2010 were reviewed and accepted.

**C. Marci L. Huth, L.D.H.**

Dr. Hollar reviewed Ms. Huth's probationary file. Ms. Huth is currently not employed as a dental hygienist. She reported that her address had not changed, and the medication she is currently taking. Her report was reviewed and accepted. Ms. Huth has requested a hearing for lift of probation. This matter has been scheduled for April 9, 2010.

**D. Bland Pope Walker, D.D.S.**

Dr. Hollar reviewed Dr. Walker's probationary file. Candace Backer, Indiana Dental Well Being Program, stated that Dr. Walker has left the monitoring program as of January 1, 2010. Dr. Walker is moving back to Mississippi and will be under the oversight of the Mississippi Professionals Health Program. On

January 24, 2010 the Board received correspondence from Kay Gatewood, Executive Director, Mississippi Professional Health Program that on November 18, 2009 Dr. Walker signed a three (3) year monitoring contract. His reports were reviewed and accepted.

## **XII. CONTINUING EDUCATION**

- A. Chele Heide, PT d.b.a. Ergo Dentix LLC**
- B. Implant Restorative Study Club**
- C. Indiana Oral and Maxillofacial Surgery Associates**
- D. KeyPoint Study Club**
- E. JM Sales & Consulting, Inc.**
- F. The Greater Lafayette Study Club**
- G. Hoosiers for Dental Excellence**
- H. Dr. John Overman, D.D.S., M.S.D.**
- I. Association of Indiana Dental Laboratories, Inc.**

**Board action:** The Board will review all continuing education application at a later date.

## **XIII. REPORTS**

There were no reports before the Board.

## **XIV. ASSOCIATION REPORTS**

### **A. Indiana Dental Association**

There was no report before the Board.

### **B. Indiana Dental Hygiene Association**

There was no report before the Board.

### **C. Indiana Dental Assistants Association**

There was no report before the Board.


## **XV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 8:00 p.m.

**Board action:** A motion was made and seconded to adjourn the meeting of the Indiana State Board of Dentistry at 8:00 p.m.

ROKITA/LaTURNER  
Motion carried 7-0-0



  
Matthew Miller, D.D.S., President

6/4/10  
Date

  
Steven Hollar, D.D.S., Secretary

6/4/10  
Date